

EXTRADITION

Convention signed at Bogotá May 7, 1888

*Senate advice and consent to ratification, with amendments, March 26, 1889*¹

Senate advice and consent to ratification, with amendments to Spanish text proposed by Colombia, February 27, 1890

*Ratified by the President of the United States, with amendments, March 12, 1890*¹

Ratified by Colombia October 30, 1890

Ratifications exchanged at Bogotá November 12, 1890

Entered into force January 11, 1891

Proclaimed by the President of the United States February 6, 1891

*Article II supplemented and article III amended by convention of September 9, 1940*²

26 Stat. 1534; Treaty Series 58

CONVENTION, FOR THE RECIPROCAL EXTRADITION OF CRIMINALS, BETWEEN THE UNITED STATES OF AMERICA, AND THE REPUBLIC OF COLOMBIA

The President of the United States of America, and the President of the Republic of Colombia, with the view of facilitating the administration of justice and to insure the suppression of crimes, which may be committed within the territories and jurisdictions of the two countries and the perpetrators of which may attempt to escape punishment by leaving one country, and taking refuge in the other, have agreed to conclude a Convention establishing rules for the reciprocal extradition of persons accused or convicted of the crimes hereinafter enumerated.

¹ The U.S. amendments were as follows:

Preamble, after "countries and" strike out "who" and insert "the perpetrators of which"; Article II, clause 2, after "money, or" insert "knowingly"; after "public credit" strike out "and the utterance or circulation of" and insert "or knowingly uttering or circulating";

Article II, clause 8, after "Rape" strike out "and violation of young maidens, and attempts against chastity attended or consummated with violence";

Article VII, after "such criminal, and" strike out "shall" and insert "may";

Article VIII, after "when a person is" strike out "arrested for extradition" and insert "extradited"; after "his guilt," strike out "shall" and insert "may";

Article X after "Convention" strike out "but it may do so at its own discretion".

The text printed here is the amended text as proclaimed by the President.

² TS 986, *post*, p. 932.

And they have for that purpose authorized and empowered their respective Plenipotentiaries, to-wit:—

The President of the United States of America—John G. Walker, Chargé d’Affaires *ad interim*, and the President of the Republic of Colombia—Vicente Restrepo, Minister of Foreign Affairs, who after communicating to each other their respective full powers, which are found to be in due form, have agreed upon the following articles:

ARTICLE I

The Government of the United States of America, and the Government of the Republic of Colombia, under the restrictions and limitations herein-after contained, agree to deliver, reciprocally, all persons accused, or convicted, as principals or accessories, of any of the crimes mentioned in Article II of this Convention, committed within territories or jurisdiction of the one and who are found within the territories or jurisdiction of the other Government.

ARTICLE II³

The crimes for which extradition is to be reciprocally accorded, are as follows:

1. Murder and attempts to commit murder, by assault, poison or otherwise.
2. Counterfeiting, or altering money, or knowingly uttering or bringing into circulation counterfeit or altered money; counterfeiting or altering certificates or coupons of public indebtedness, bank notes or other instruments of public credit; or knowingly uttering or circulating the same.
3. Forgery, or altering, or uttering what is forged or altered.
4. Embezzlement, being the criminal misapplication of public or private funds, documents or property; or the funds, documents or property of municipal or other corporations, held in trust by a public officer, or as a fiduciary agent, or a confidential employé.
5. Robbery.
6. Burglary, defined to be the breaking into or entering, either in day or night time, the house, office or other building of a government, corporation or private person, with the intent of committing a felony therein.
7. Perjury, or the subornation of perjury.
8. Rape.
9. Arson.
10. Piracy, as defined by the Law of Nations.
11. Murder, manslaughter, or assault with intent to kill, on the high seas, on board of vessels sailing under the flag of the demanding party.

³ For a supplement to art. II, see TS 986, *post*, p. 932.

12. Malicious destruction, or attempted destruction, of railways, bridges, tramways, vessels, dwellings, public edifices, or other buildings, when the act endangers human life.

ARTICLE III ⁴

When the extradition of a criminal, charged or convicted of any of the forgoing offenses, is demanded, it must be supported by the production of a duly authenticated warrant of arrest, made in accordance with the laws of the country making the demand, and the depositions upon which it is based.

If the person whose extradition is demanded has already been convicted, the demand must be accompanied by a duly authenticated copy of the sentence of the court in which he was convicted, and with the attestation of the proper executive authority; the latter of which must be certified by the Minister or Consul of the Government upon which the demand is made.

ARTICLE IV

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: Provided, that unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

ARTICLE V

If it be made to appear that the extradition is sought with the view of trying or punishing the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for a political offense, committed previously to extradition, or for any offense other than that for which extradition was granted.

ARTICLE VI

The requisition for extradition shall be made through the diplomatic agents of the contracting parties, or in the event of the absence of these from the country or from the seat of government, by superior consular officers. The fugitive shall be surrendered only on such evidence of criminality as would justify his arrest and trial under the laws of the country where he is found, had the crime been there committed.

ARTICLE VII

On being informed by telegraph, or other written communication, through the diplomatic channel, that a lawful warrant has been issued, by a competent authority, upon probable cause, for the arrest of a fugitive criminal, charged with any of the crimes enumerated in Article II of this Convention,

⁴ For an amendment to art. III, see TS 986, *post*, p. 933.

and on being assured, through the same source, that a request for the surrender of such criminal is about to be made, in accordance with the provisions of this Convention, each government will endeavor to procure, so far as it lawfully may, the personal arrest of such criminal, and may keep him in safe custody for a reasonable time, not exceeding three months, to await the production of the documents, upon which the claim for extradition is founded.

ARTICLE VIII

When a person is extradited under the formalities prescribed in this Convention, all documents and other objects, which may tend to establish his guilt, may be delivered to the demanding Government, as well as all money or effects which he may have or may have had in his possession or subject to his control, the unlawful possession or taking of which constitutes the offense, in whole or in part, for which his extradition is requested.

ARTICLE IX

In case a person, who is equally a foreigner in the United States of America and in the Republic of Colombia, takes refuge in either country, after having committed any of the foregoing crimes, within one or the other jurisdiction, extradition can be accorded only after the Government, or its Representative, of which the criminal is a citizen or subject, has been duly informed, and afforded an opportunity to file objections to the extradition.

ARTICLE X

Neither of the high contracting parties shall be bound to deliver up its own citizens, under the stipulations of this Convention.

ARTICLE XI

The fact that the person whose extradition is demanded, has contracted obligations of which extradition would hinder the performance, shall be no bar to his extradition.

ARTICLE XII

The expenses of the arrest, detention, examination and transportation of the accused shall be paid by the Government requesting the extradition.

ARTICLE XIII

The present Convention shall commence to be effective sixty days after the exchange of ratifications thereof, but offenses committed, anterior to that time, shall furnish no grounds for a demand for extradition. For the termination of this convention twelve months notice must be given by either of the high contracting parties.

This Convention shall be ratified, and the ratifications exchanged in the City of Bogotá, as soon as possible.

In faith whereof, we, the Plenipotentiaries of the United States of America, and of the Republic of Colombia, have signed and sealed these presents, in the City of Bogotá, this seventh day of May in the year of Our Lord one thousand eight hundred and eighty-eight.

JOHN G. WALKER	[SEAL]
VICENTE RESTREPO	[SEAL]